

## Chapter 13.16

### STORM WATER MANAGEMENT\*

#### Sections:

13.16.010	Definitions.
13.16.020	Prohibition on illicit connections and prohibited discharges.
13.16.030	Control of urban runoff.
13.16.040	Inspections—Scope.
13.16.050	Permits.
13.16.060	Enforcement—Administrative remedies.
13.16.070	Violation—Nuisance.
13.16.080	Criminal sanctions.
13.16.090	Consecutive violations.
13.16.100	Nonexclusive remedies.
13.16.110	Citations.
13.16.120	Violations of other laws.
13.16.130	Injunctions.
13.16.140	Other civil remedies.
13.16.150	Interagency cooperation.
13.16.160	Compliance disclaimer.
13.16.170	Judicial review.

\* Prior History: Prior code history §§ 5700—5708; Ord. 758.

#### 13.16.010 Definitions.

As used in this chapter:

“Authorized inspector” means the City Manager and persons designated and under the instruction and supervision of the City Manager, who are assigned to investigate compliance and detect violations of this chapter.

“Best management practices” (BMPs) means methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including storm water. BMPs include structural and nonstruc-

tural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

“City” means the city of Rosemead, Los Angeles County, California.

“Clean Water Act” means the Federal Water Pollution Control Act, amended in 1977 as the Clean Water Act (Title 33 U.S.C. § 1251 et seq.), and amended in 1987 to establish new controls on industrial and municipal storm water discharges, and any and all subsequent amendments thereto.

“Co-permittee” means the county of Los Angeles, and/or any one of the eighty-six (86) municipalities, including the city of Rosemead, which are responsible for compliance with the terms of the NPDES permit.

“Discharge” means any release, spill, leak, pump, flow, escape, leaching (including subsurface migration or deposition to groundwater), dumping or disposal of any liquid, semi-solid or solid substance.

“Enforcing attorney” means the City Attorney or District Attorney acting as counsel to the city and his or her designee, which counsel is authorized to take enforcement action as described herein. For purposes of criminal prosecution, only the District Attorney and/or City Attorney shall act as the Enforcing Attorney.

“Environmentally sensitive area” (ESA) means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in the ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). Areas subject to storm water mitigation requirements are: areas designated as Significant Ecological Areas by the county of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County De-

partment of Regional Planning (1976) and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game's Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; and areas listed in the basin plan as supporting the "rare, threatened, or endangered species (RARE)" beneficial use; and an area identified by a permittee as environmentally sensitive.

"EPA" means the Environmental Protection Agency of the United States.

"Exempted discharges" means non-storm water discharges that are not considered illicit discharges, and are not prohibited by this chapter as follows:

1. Natural springs and rising ground water;
2. Flows from riparian habitats or wetlands;
3. Stream diversions, permitted by the State Board;
4. Uncontaminated groundwater infiltration [as defined by 40 CFR 35.2005(20)];
5. Flows from emergency fire fighting activities;
6. Reclaimed and potable landscape irrigation runoff;
7. Potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices);
8. Drains for foundations, footings and crawl spaces;
9. Air conditioning condensate;
10. Dechlorinated/debrominated swimming pool discharges;
11. Dewatering of lakes and decorative fountains;
12. Non-commercial car washing by residents or by non-profit organizations;

### 13. Sidewalk rinsing.

"Hearing Officer" means the City Manager or his or her designee, who shall preside at the administrative hearings authorized by this chapter and issue final decisions on the matters raised therein.

"Invoice for costs" means the actual costs and expenses of the city incurred during any inspection conducted pursuant to Section 13.16.020, where a notice of noncompliance, administrative compliance order or other enforcement option under Sections 13.16.060 through 13.16.140 is utilized to obtain compliance with this chapter.

"Illicit connection" means any natural or manmade conveyance or drainage system, pipeline, conduit, inlet or outlet, (including natural surface flow patterns, depressions or channels traversing one or more properties) through which the discharge of any pollutant to the storm water drainage system occurs or may occur. The term "illicit connection" shall not include legal nonconforming connections or connections to the storm water drainage system that are hereinafter authorized by the agency with jurisdiction over the system at the location at which the connection is made.

"Impervious surface" means any surface that prevents or significantly reduces the entry of water into the underlying soil resulting in runoff from the surface in greater quantities and/or at an increased rate when compared to natural conditions prior to development including, but not limited to, parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from the use of paving or compacted gravel.

"Legal nonconforming connection" means connections to the storm water drainage system existing as of the adoption of the ordinance codified in this chapter that were in compliance

with all federal, state and local rules, regulations, statutes and administrative requirements in effect at the time the connection was established, including but not limited to any discharge permitted pursuant to the terms and conditions of an individual discharge permit issued pursuant to Section 13.12.010.

“Maximum extent practicable” as defined in the NPDES permit means a standard for implementation of storm water management programs to reduce pollutants in storm water. CWA402(p)(3)(B)(iii) requires that municipal permits “shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or State determines appropriate for the control of such pollutants.”

“MS4” means “municipal separate storm sewer system” as used and referred to in the Clean Water Act, and the regulations thereunder.

“New development” means all public and private residential (whether single-family, multiunit or planned unit development), industrial, commercial, retail, and other nonresidential construction projects, or mass grading for future construction, for which either a discretionary land use permit or grading permit or building and safety permit is required.

“National Pollutant Discharge Elimination System (NPDES) permit” means the municipal discharge permit(s) issued by the state of California Regional Water Quality Control Board, Los Angeles Region and entitled Order No. 01-182, NPDES Permit No. CAS004001 Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the county of Los Angeles, and the Incorporated Cities Therein, Except the city of

Long Beach. The state of California Regional Water Quality Control Board NPDES permit shall be referred to hereinafter as the “NPDES permit.”

“Person” means any natural person as well as any corporation, partnership, government entity or subdivision, trust, estate, cooperative association, joint venture, business entity, or other similar entity, or the agent, employee or representative of any of the above.

“Pollutant” means any liquid, solid or semi-solid substances, or combination thereof, including and not limited to:

1. Artificial materials, chips or pieces of natural or manmade materials (such as floatable plastics, wood or metal shavings);
2. Household waste (such as trash, paper, plastics, lawn clippings and yard wastes; animal fecal materials; excessive pesticides, herbicides and fertilizers; used oil and fluids from vehicles, lawn mowers and other common household equipment);
3. Metals, such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non-metals, such as phosphorus and arsenic;
4. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
5. Excessive eroded soils, sediment and particulate materials;
6. Animal wastes (such as discharge from confinement facilities, kennels, pens and recreational facilities, including, stables, show facilities, or polo fields);
7. Substances having characteristics such as a pH less than 6.5 or greater than 8.5, or unusual coloration, or turbidity, or excessive levels of fecal coliform, fecal streptococcus or enterococcus;
8. Waste materials and wastewater generated on construction sites and by construction

activities (such as painting, staining; use of sealants, glues, limes; excessive pesticides, fertilizers or herbicides; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator or battery fluids; construction equipment washing, concrete pouring and cleanup wash water or use of concrete detergents; steam cleaning or sand blasting residues; use of chemical degreasing or diluting agents; and super chlorinated water generated by potable water line flushing);

9. Materials causing an increase in biochemical oxygen demand, chemical oxygen demand or total organic carbon;

10. Materials which contain base/neutral or acid extractible organic compounds;

11. Those pollutants defined in Section 1362(6) of the Federal Clean Water Act;

12. Any other constituent or material that may interfere with or adversely affect the beneficial uses of the receiving waters, flora or fauna of the state.

The term "pollutant" shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility.

"Private property" means any real property, irrespective of ownership, which is not open to the general public.

"Prohibited discharge" means any discharge, which is not composed entirely of storm water or which contains any pollutant, from public or private property to: (i) the storm water drainage system; (ii) any upstream flow, which is tributary to the storm water drainage system; (iii) any groundwater, river, stream, creek, wash or dry weather arroyo, wetlands area, marsh, coastal sloughs; or (iv) any coastal harbor, bay or the Pacific Ocean. The term "prohibited discharge" shall not include: (a) discharges occur-

ring in compliance with the NPDES permit; (b) discharges occurring pursuant to a state general permit or other Regional Water Quality Control Board, State Water Resources Control Board or U.S. Environmental Protection Agency issued NPDES permit or permit waiver; (c) discharges authorized pursuant to a permit issued under Section 13.16.050; (d) discharges allowable under the discharge exception; or (v) discharges allowable under the domestic sewage exception.

"Redevelopment" shall mean a land disturbing activity that results in the creation, addition, or replacement of at least five thousand (5,000) square feet or more of impervious surfaces on an already developed site. Redevelopment includes, but is not limited to, the expansion of a building footprint or addition or replacement of a structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"Regional Board" means the California Regional Water Quality Control Board, Los Angeles Region.

"Responsible party" means the person(s) identified in and responsible for compliance with the provisions of a water quality management plan approved by the City Engineer or his or her designee.

"Restaurant" means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812).

“Retail gasoline outlet” means any facility engaged in selling gasoline and lubricating oils.

“Source control BMP” means any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.

“Significant redevelopment” means the rehabilitation or reconstruction of public or private residential (whether single-family, multi-unit or planned unit development), industrial, commercial, retail or other nonresidential structures, for which either a discretionary land use permit or grading permit or building and safety permit is required.

“State Board” means the State Water Resources Control Board.

“State general permit” means either the State General Industrial Storm Water Permit or the State General Construction Permit and the terms and requirements of either or both. In the event the U.S. Environmental Protection Agency revokes the in-lieu permitting authority of the State Water Resources Control Board, then the term “state general permit” shall also refer to any EPA administered storm water control program for industrial and construction activities.

“Storm water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm water pollution prevention plan (SWPPP)” means a plan identifying potential pollutant sources and describing the design, placement and implementation of BMPs, to effectively prevent non-storm water discharges and reduce pollutants in storm water discharges for a project disturbing one or more acres of land.

“Storm water drainage system” means street gutter, channel, storm drain, constructed drain, lined diversion structure, wash area, inlet, outlet or other facility, which is a part of or tributary to the countywide storm water runoff system and owned, operated, maintained or controlled by county of Los Angeles, the Los Angeles County Flood Control District or any co-permittee city, and used for the purpose of collecting, storing, transporting, or disposing of storm water.

“Storm water quality management program (SQMP)” means the Los Angeles Countywide storm water quality management program, which includes descriptions of programs, collectively developed by the Permittees in accordance with provisions of the NPDES permit, to comply with applicable federal and state law, as the same is amended from time to time.

“Structural BMP” means any structural facility designed and constructed to mitigate the adverse impacts of storm water and urban runoff pollution.

“SUSMP” means the Los Angeles Countywide standard urban storm water mitigation plan. The SUSMP shall address conditions and requirements of new development.

“Treatment control BMP” means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process.

“Water quality management plan (WQMP)” means a plan that evaluates the issues of a site development including run on, runoff, vehicle maintenance, land disturbances, erosion, sediment control, and revegetation and establishes BMPs to control or reduce the discharge of pollutants from the site, both during and after construction. (Ord. 825 § 1 (part), 2003)

**13.16.020 Prohibition on illicit connections and prohibited discharges.**

A. No person shall:

1. Construct, maintain, operate and/or utilize any illicit connection;
2. Cause, allow or facilitate any prohibited discharge;
3. Act, cause, permit or suffer any agent, employee or independent contractor, to construct, maintain, operate or utilize any illicit connection, or cause, allow or facilitate any prohibited discharge.

B. The prohibition against illicit connections shall apply irrespective of whether the illicit connection was established prior to the date of enactment of the ordinance codified in this chapter; however, legal nonconforming connections shall not become illicit connections until the earlier of the following:

1. For all structural improvements to property installed for the purpose of discharge to the storm water conveyance system, the expiration of five years from the adoption of said ordinance;
2. For all nonstructural improvements to property (including natural surface flow patterns, depressions or channels traversing one or more properties) existing for the purpose of discharge to the storm water conveyance system, the expiration of six months following delivery of a notice to the owner or occupant of the property, which states a legal nonconforming connection has been identified.

C. A civil or administrative violation of subsection A of this section shall occur irrespective of the negligence or intent of the violator to construct, maintain, operate or utilize an

illicit connection or to cause, allow or facilitate any prohibited discharge.

D. If an authorized inspector reasonably determines that a discharge, which is otherwise within the discharge exception, may adversely affect the beneficial uses of receiving waters, then the authorized inspector may give written notice to the owner of the property or facility that the discharge exception shall not apply to the subject discharge following expiration of the thirty (30) day period commencing upon delivery of the notice. Upon expiration of the thirty (30) day period any such discharge shall constitute a violation of subsection A of this section. The notice of a legal nonconforming connection shall state the date of expiration of use under this chapter.

E. The owner or occupant of property on which a legal nonconforming connection exists may request an administrative hearing, pursuant to the procedures set forth in Section 3.16.060(F) through (J) for an extension of the period allowed for continued use of the connection. A reasonable extension of use may be authorized by the City Manager or his or her designee upon consideration of the following factors:

1. The potential adverse effects of the continued use of the connection upon the beneficial uses of receiving waters;
2. The economic investment of the discharger in the legal nonconforming connection; and
3. The financial effect upon the discharger of a termination of the legal nonconforming connection. (Ord. 825 § 1 (part), 2003)

**13.16.030 Control of urban runoff.**

A. Treatment Systems. All persons who own, operate or maintain storm water clarifiers,

separators, sediment ponds and other storm water treatment systems shall at all times maintain such systems in good working order and repair. This maintenance requirement shall be understood to include any maintenance activities necessary to prevent the breeding of vectors. Such systems shall be constructed and installed in a manner so as to at all times permit easy and safe access for proper maintenance, repair and inspection.

**B. New Development, Redevelopment and Construction.**

1. Copies of Documents. All persons engaged in construction activity within the city requiring a state general permit shall have at the construction site available for review (1) a copy of the notice of intent for the state general permit; (2) the waste discharge identification number issued by the State Board; and (3) copies of the SWPPP required by permit.

2. All persons engaged in construction activity within the city shall implement BMPs to avoid, to the maximum extent practicable, the discharge of pollutants to the MS4, in accordance with the city's grading manual, as developed and updated by the City Engineer, and, when applicable, in accordance with a grading plan approved by the City Engineer for such project.

3. All applicants for construction projects equal to or greater than one acre and less than five acres shall prepare and submit a SWPPP to the City Engineer for review and approval prior to issuance of any permits.

4. Projects involving a single family hillside residence shall be required to do the following:

- a. Conserve natural areas;
- b. Protect slopes and channels;
- c. Provide storm drain system stenciling and signage; and

d. Divert roof runoff and surface flow to vegetated areas before discharge unless the diversion would result in slope instability; and direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

5. Water Quality Management Plan (WQMP). All applicants for new development and redevelopment projects shall submit a WQMP with their project applications to the city. The WQMP shall be submitted to the City Engineer for review and approval and shall comply with all requirements of the city's NPDES permit, including applicable SUSMP or other similar plan, developed as a part of or pursuant to the city's NPDES permit and any applicable SUSMP or other similar plan.

The WQMP shall be designed to reduce projected runoff for the project through incorporation of design elements or principles, in accordance with the requirements set forth in the city's NPDES permit and any applicable SUSMP or other similar plan. Applicants shall refer to the most recent edition of the "Construction Best Management Practices Handbook," produced and published by the storm water quality task force, for specific guidance on selecting BMPs for reducing pollutants in storm water runoff from urbanized areas. WQMPs may include the development of a regional approach as a means of complying with BMPs and applicable numerical design standard or requirement, where such a regional approach is to be approved by both the City Engineer and Regional Board.

6. Numerical Design Criteria. Post-construction treatment control BMPs for projects must incorporate, at a minimum, either a volumetric or flow based treatment control design standard, or both, as identified below to

mitigate (infiltrate, filter or treat) storm water runoff:

a. Volumetric Treatment Control BMP.

(1) The 85th percentile twenty-four (24) hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

(2) The volume of annual runoff based on unit based on unit basin storage water quality volume, to achieve eighty (80) percent or more volume treatment by the method recommended in California Storm water Best Management Practices Handbook - Industrial/Commercial, (1993); or

(3) The volume of runoff produced from a 0.75 inch storm event, prior to its discharge to a storm water conveyance system; or

(4) The volume of runoff produced from a historical-record based reference twenty-four (24) hour rainfall criterion for "treatment" (0.75 inch average for the Los Angeles County area) that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile twenty-four (24) hour runoff event.

b. Flow Based Treatment Control BMP.

(1) The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or

(2) The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for Los Angeles County; or

(3) The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

7. Applicability of Numerical Design Criteria. The numeric design criteria listed above

shall apply to the following categories of projects required to design and implement post-construction treatment controls to mitigate storm water pollution:

a. Single-family hillside residential developments of one acre or more of surface area;

b. Housing developments (includes single family homes, multi-family homes, condominiums, and apartments) of ten units or more;

c. A one hundred thousand (100,000) square feet or more impervious surface area industrial/commercial development;

d. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539) [five thousand (5,000) square feet or more of surface area];

e. Retail gasoline outlets [five thousand (5,000) square feet or more of impervious surface area and with projected Average Daily Traffic (ADT) of one hundred (100) or more vehicles]. Subsurface Treatment Control BMPs which may endanger public safety (i.e., create an explosive environment) are considered not appropriate;

f. Restaurants (SIC 5812) [five thousand (5,000) square feet or more of surface area];

g. Parking lots five thousand (5,000) square feet or more of surface area or with twenty-five (25) or more parking spaces;

h. Projects located in, adjacent to or discharging directly to an ESA that meet threshold conditions identified above; and

i. Redevelopment projects in subject categories that meet Redevelopment thresholds.

8. City Review and Plan Approval.

a. Prior to the issuance of a permit for a new development or redevelopment project, the city shall evaluate the proposed project using the applicable SUSMP and the guidelines and BMP list approved by the Regional Board, and erosion and grading requirements of the City



Building Official or City Engineer to determine (i) its potential to generate the flow of pollutants into the municipal storm drain system both during and after construction; and (ii) how well the WQMP for the proposed project meets the goals of this chapter. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed. Based upon the review, the city may impose conditions upon the issuance of the building permit, in addition to any required by the state construction activities storm water permit for the project, in order to minimize the flow of pollutants into the municipal storm drain system.

b. No grading permit for developments requiring coverage under the state general construction permit shall be issued unless the applicant can show that a notice of intent to comply with the state construction activities storm water permit has been filed and that a SWPPP has been prepared for the project.

c. The City Building Official or City Engineer shall approve or disapprove of the WQMP within thirty (30) calendar days of submittal, or within thirty (30) days of approval of the development project by the planning commission, where planning commission approval is required. If the plan is disapproved, the reasons for disapproval shall be given in writing to the applicant. Any plan disapproved may be revised by the applicant and resubmitted for approval. A resubmitted plan will be approved or disapproved within thirty (30) days of submittal. No building permit shall be issued until a WQMP has been approved by the City Building Official or City Engineer.

d. If no building permit has been issued or no construction has begun on a project within a period of one hundred eighty (180) days of approval of a WQMP, the WQMP shall expire.

The City Building Official or City Engineer may extend the time by written extension for action by the applicant for a period not to exceed one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant prevented the construction from commencing. In order to renew the WQMP, the applicant shall resubmit all necessary forms and other data and pay a new plan review fee.

e. Storm water runoff containing sediment, construction waste or other pollutants from the construction site and parking areas shall be reduced to the maximum extent practicable. The following BMPs shall apply to all construction projects within the city, and shall be required from the time of demolition of existing structures or commencement of construction until receipt of a certificate of occupancy:

(1) Sediment, construction waste, and other pollutants from construction activities shall be retained on the construction site to the maximum extent practicable;

(2) Structural controls such as sediment barriers, plastic sheeting, detention ponds, dikes, filter beams and similar controls shall be utilized to the maximum extent practicable in order to minimize the escape of sediment and other pollutants from the site;

(3) All excavated soil shall be located on the site in a manner that minimizes the amount of sediments running onto the street, drainage facilities or adjacent properties. Soil piles shall be covered with plastic or similar material until the soil is either used or removed from the site; and

(4) No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction or other vehicles is permitted to run off the

construction site, or to otherwise enter the municipal storm drain system.

f. As a condition to granting a construction permit, the city may set reasonable limits on the clearing of natural vegetation from construction sites, in order to reduce the potential for soil erosion. These limits may include, but are not limited to, regulating the length of time soil is allowed to remain bare or prohibiting bare soil.

g. The City Building Official may require, prior to the issuance of any building or grading permit, preparation of appropriate wet weather erosion control, SWPPP or other plans consistent with countywide development construction guidance provisions and the goals of this chapter.

#### 9. Development Construction Requirements.

a. Runoff from construction activity at all construction sites shall meet the following minimum requirements:

(1) Sediments generated on the project site shall be retained using adequate treatment control or structural BMPs;

(2) Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;

(3) Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and

(4) Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs (as approved in Regional Board Resolution No. 99-03), such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

#### 10. Transfer of Properties Subject to Requirement for Maintenance of Structural and Treatment Control BMPs.

a. The transfer or lease of a property subject to a requirement for maintenance of structural and treatment control BMPs shall include conditions requiring the transferee and its successors and assigns to either: (a) assume responsibility for maintenance of any existing structural or treatment control BMP, or (b) replace an existing structural or treatment control BMP with new control measures or BMPs meeting the then current standards of the city and the SUSMP. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all structural or treatment control BMPs at least once a year and retain proof of inspection.

b. For residential properties where the structural or treatment control BMPs are located within a common area which will be maintained by a homeowner's association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&Rs). Printed educational materials will be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what storm water management facilities are present, signs that maintenance is needed, and how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of the property.

c. If structural or treatment control BMPs are located within an area proposed for dedication to a public agency, they will be the respon-

sibility of the developer until the dedication is accepted.

C. **Cost Recovery.** The costs and expenses of the City Engineer or his or her designee incurred in the review, approval or revision of any water quality management plan, or in the approval or revision of any such plan, shall be assessed to the property owner or responsible party and shall be due and payable to the city. The City Planning Agency may elect to require a deposit of estimated costs and expenses, and the actual costs and expenses shall be deducted from the deposit, and the balance, if any, refunded to the property owner or responsible party.

D. **Litter Control.** No person shall discard any waste material, including but not limited to common household rubbish or garbage of any kind (whether generated or accumulated at a residence, business or other location), upon any public or private property, whether occupied, open or vacant, including but not limited to any street, sidewalk, alley, right-of-way, open area or point of entry to the storm water drainage system.

Every person occupying or having charge and control of private property on which a prohibited disposal of waste materials occurs shall cause the proper collection and disposal of same.

A prohibited disposal of waste materials creates a danger to public health, safety and welfare, and otherwise threatens the environment, surface waters and groundwater; therefore, any owner or occupant of private property who fails to remove waste material within a reasonable time may be charged with creating a nuisance upon the property. (Ord. 825 § 2 (part), 2003)

#### **13.16.040 Inspections—Scope.**

A. **Right to Inspect.** Prior to commencing any inspection as hereinbelow authorized, the authorized inspector shall obtain either the consent of the owner or occupant of the private property or shall obtain an administrative inspection warrant or criminal search warrant.

B. **Entry to Inspect.** The authorized inspector may enter private property to investigate the source of any discharge to any public street, inlet, gutter, storm drain or the storm water drainage system located within the jurisdiction of the city.

C. **Compliance Assessments.** The authorized inspector may inspect private property for the purpose of verifying compliance with this chapter, including but not limited to: (i) identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property; (ii) identifying point(s) of discharge of all wastewater, process water systems and pollutants; (iii) investigating the natural slope at the location, including drainage patterns and man-made conveyance systems; (iv) establishing the location of all points of discharge from the private property, whether by surface runoff or through a storm drain system; (v) locating any illicit connection or the source of prohibited discharge; (vi) evaluating compliance with any water quality management plan; (vii) evaluating compliance with any permit issued pursuant to Section 13.16.050; and (viii) investigating the condition of any legal nonconforming connection.

D. **Portable Equipment.** For purposes of verifying compliance with this chapter, the authorized inspector may inspect any vehicle, truck, trailer, tank truck or other mobile equipment.

E. **Records Review.** The authorized inspector may inspect all records of the owner or occupant of private property relating to chemicals or processes presently or previously occurring on-site, including material and/or chemical inventories, facilities maps or schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, state general permits, storm water pollution prevention plans, monitoring program plans and any other record(s) relating to illicit connections, prohibited discharges, a legal nonconforming connection or any other source of contribution or potential contribution of pollutants to the storm water drainage system.

F. **Sample and Test.** The authorized inspector may inspect, sample and test any area run-off, soils area (including groundwater testing), process discharge, materials within any waste storage area (including any container contents), and/or treatment system discharge for the purpose of determining the potential for contribution of pollutants to the storm water drainage system. The authorized inspector may investigate the integrity of all storm drain and sanitary sewer systems, any legal nonconforming connection or other pipelines on the property using appropriate tests, including but not limited to smoke and dye tests or video surveys. The authorized inspector may take photographs or video tape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the property.

G. **Monitoring.** The authorized inspector may erect and maintain monitoring devices for the purpose of measuring any discharge or potential source of discharge to the storm water drainage system.

H. **Test Results.** The owner or occupant of property subject to inspection shall, on submis-

sion of a written request, receive copies of all monitoring and test results conducted by the authorized inspector. (Ord. 825 § 2 (part), 2003)

### **13.16.050 Permits.**

#### **A. Discharge Permit Procedure.**

1. **Permit.** On application of the owner of private property or the operator of any facility, the City Manager or his or her designee may grant permission by way of a permit for release of nonstorm water discharges to the storm water drainage system if:

a. The discharge of material or constituents is reasonably necessary for the conduct of otherwise legal activities on the property; and

b. The discharge will not cause a nuisance, impair the beneficial uses of receiving waters, or cause any reduction in established water quality standards.

2. **Application.** The applicant shall provide all information requested by the City Manager or his or her designee for review and consideration of the application, including but not limited to specific detail as to the activities to be conducted on the property, plans and specifications for facilities located on the property, identification of equipment or processes to be used on-site and other information as may be requested in order to determine the constituents, and quantities thereof, which may be discharged if permission is granted.

3. **Permit Issuance.** The permit shall be granted or denied by the City Manager or his or her designated representative, no later than sixty (60) business days following the completion and acceptance of the application as determined by the City Manager or his or her designee.

The applicant shall be notified in person or by first-class mail, postage prepaid, of the action taken.

4. **Permit Conditions.** The permit may include terms, conditions and requirements to ensure compliance with the objectives of this chapter and as necessary to protect the receiving waters, including but not limited to:

- a. Identification of the discharge location on the property and the location at which the discharge will enter the storm water drainage system;
- b. Identification of the constituents and quantities thereof to be discharged into the storm water drainage system;
- c. Specification of pollution prevention techniques and structural or nonstructural control requirements as reasonably necessary to prevent the occurrence of potential discharges in violation of this chapter;
- d. Requirements for self-monitoring of any discharge;
- e. Requirements for submission of documents or data, such as technical reports, production data, discharge reports, self-monitoring reports and waste manifests; and
- f. Other terms and conditions appropriate to ensure compliance with the provisions of this chapter and the protection of receiving waters, including requirements for compliance with best management practices guidance documents approved by any federal, state of California or regional agency.

5. **General Permit.** In the discretion of the City Manager or his or her designee, the permit may, in accordance with the conditions identified in subsection (A)(4) of this section, be prepared as a general permit applicable to a specific category of activities. If a general permit is issued, any person intending to discharge within the scope of the authorization provided

by the general permit may do so by filing an application to discharge with the City Manager or his or her designee. No discharge within the scope of the general permit shall occur until such application is so filed.

Notwithstanding the foregoing in this subsection (A)(5), the City Manager or his or her designee, in his or her discretion, may eliminate the requirement that an application for a general permit be filed for any specific activity for which a general permit has been issued.

6. **Permit Fees.** The permission to discharge shall be conditioned upon the applicant's payment of the city's costs, in accordance with a fee schedule adopted by separate resolution, as follows:

- a. For individually issued permits, the costs of reviewing the permit application, preparing and issuing the permit, and the costs reasonably related to administering this permit program;
- b. For general permits, the costs of reviewing the permit application, that portion of the costs of preparing the general permit which is reasonably attributable to the permittee's application for the general permit, and the costs reasonably related to administering the general permit program.

B. **Permit Suspension, Revocation or Modification.**

1. The City Manager or his or her designee, may suspend or revoke any permit when it is determined that:

- a. The permittee has violated any term, condition or requirement of the permit or any applicable provision of this chapter; or
- b. The permittee's discharge or the circumstances under which the discharge occurs have changed so that it is no longer appropriate to except the discharge from the prohibitions on

prohibited discharge contained within this chapter; or

c. The permittee fails to comply with any schedule for compliance issued pursuant to this chapter; or

d. Any regulatory agency, including EPA or a Regional Water Quality Control Board having jurisdiction over the discharge, notifies the city that the discharge should be terminated.

2. The City Manager or his or her designee, may modify any permit when it is determined that:

a. Federal or state law requirements have changed in a manner that necessitates a change in the permit; or

b. The permittee's discharge or the circumstances under which the discharge occurs have changed so that it is appropriate to modify the permit's terms, conditions or requirements; or

c. A change to the permit is necessary to ensure compliance with the objectives of this chapter or to protect the quality of receiving waters.

The permittee shall be informed of any change in the permit terms and conditions at least forty-five (45) business days prior to the effective date of the modified permit.

3. The determination that a permit shall be suspended, revoked or modified may be appealed by a permittee pursuant to the same procedures applicable to appeal of an administrative compliance order hereunder. In the absence of a judicial order to the contrary, the permittee may continue to discharge pending issuance of the final administrative decision by the Hearing Officer.

C. Permit Enforcement—Penalties. Any violation of the terms, conditions and requirements of any permit issued by the City Manager or his or her designee, shall constitute a violation of this chapter and subject the violator

to the administrative, civil and criminal remedies available under this chapter.

D. Compliance with the terms, conditions, and requirements of a permit issued pursuant to this chapter shall not relieve the permittee from compliance with all federal, state and local laws, regulations and permit requirements, applicable to the activity for which the permit is issued.

1. Limited Permittee Rights. Permits issued under this chapter are for the person or entity identified therein as the "permittee" only, and authorize the specific operation at the specific location identified in the permit. The issuance of a permit does not vest the permittee with a continuing right to discharge.

2. Transfer of Permits. No permit may be transferred to allow:

a. A discharge to the storm water drainage system at a location other than the location stated in the original permit; or

b. A discharge by a person or entity other than the permittee named in the permit, provided however, that the city may approve a transfer if written approval is obtained, in advance, from the City Manager or his or her designee. (Ord. 825 § 2 (part), 2003)

#### **13.16.060 Enforcement— Administrative remedies.**

A. Notice of Noncompliance. The authorized inspector may deliver to the owner or occupant of any private property, or to any person responsible for an illicit connection or prohibited discharge a notice of noncompliance. The notice of noncompliance shall be delivered in accordance with subsection E of this section.

1. The notice of noncompliance shall identify the violation(s) of this chapter, the applicable water quality management plan or permit

which has occurred. The notice of noncompliance shall state that continued noncompliance may result in additional enforcement actions against the owner, occupant and/or person.

2. The notice of noncompliance shall state a compliance date that must be met by the owner, occupant and/or person; provided, however, that the compliance date may not exceed ninety (90) days unless the authorized inspector extends the compliance deadline an additional ninety (90) days where good cause exists for the extension.

**B. Administrative Compliance Orders.**

1. The authorized inspector may issue an administrative compliance order. The administrative compliance order shall be delivered in accordance with subsection E of this section. The administrative compliance order may be issued to:

a. The owner or occupant of any private property requiring abatement of conditions on the property that cause or may cause a prohibited discharge or an illicit connection in violation of this chapter;

b. The owner of private property or a responsible party subject to the requirements of any water quality management plan to ensure implementation of and adherence to the terms, conditions and requirements of the plan;

c. A permittee subject to the requirements of any permit issued pursuant to Section 13.16.050 to ensure compliance with the terms, conditions and requirements of the permit;

d. Any person responsible for an illicit connection or prohibited discharge.

2. The administrative compliance order may include the following terms and requirements:

a. Specific steps and time schedules for compliance as reasonably necessary to prevent threatened or future unauthorized discharges,

including but not limited to the threat of a prohibited discharge from any pond, pit, well, surface impoundment, holding or storage area;

b. Specific steps and time schedules for compliance as reasonably necessary to discontinue any illicit connection;

c. Specific requirements for containment, cleanup, removal, storage, installation of overhead covering, or proper disposal of any pollutant having the potential to contact storm water runoff;

d. Any other terms or requirements reasonably calculated to prevent continued or threatened violations of this chapter, including, but not limited to requirements for compliance with best management practices guidance documents promulgated by any federal, state of California or regional agency;

e. Any other terms or requirements reasonably calculated to achieve full compliance with the terms, conditions and requirements of any water quality management plan, or permit issued pursuant hereto.

**C. Cease and Desist Orders.**

1. The authorized inspector may issue a cease and desist order. A cease and desist order shall be delivered in accordance with subsection E of this section. A cease and desist order may direct the owner or occupant of any private property and/or other person responsible for a violation of this chapter to:

a. Immediately discontinue any illicit connection, or prohibited discharge to the storm water drainage system;

b. Immediately contain or divert any flow of water off the property, where the flow is occurring in violation of any provision of this chapter;

c. Immediately discontinue any other violation of this chapter;

d. Clean up the area affected by the violation.

2. The authorized inspector may direct by cease and desist order that the owner of any private property, the responsible party subject to the terms and conditions of any water quality management plan, or any permittee under any permit issued pursuant to Section 13.16.050:

Immediately cease any activity not in compliance with the terms, conditions and requirements of the applicable water quality management plan or permit.

D. Recovery of Costs. The authorized inspector may deliver to the owner or occupant of any private property, any permittee or any responsible party, or any other person who becomes subject to a notice of noncompliance or administrative order, an invoice for costs. An invoice for costs shall be delivered in accordance with subsection E of this section. An invoice for costs shall be immediately due and payable to the city for the actual costs incurred by the city in issuing and enforcing any notice or order.

If any owner or occupant, permittee or responsible party, or any other person fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with subsection F of this section, then the enforcing attorney may institute collection proceedings.

E. Delivery of Notice. Any notice of noncompliance, administrative compliance order, cease and desist order or invoice of costs to be delivered pursuant to the requirements of this chapter shall be subject to the following:

1. The notice shall state that the recipient has a right to appeal the matter as set forth in subsections F through J of this section.

2. Delivery shall be deemed complete upon: (a) personal service to the recipient; (b)

deposit in the U.S. mail, postage pre-paid for first class delivery; or (c) facsimile service with confirmation of receipt.

3. Where the recipient of notice is the owner of the property, the address for notice shall be the address from the most recently issued equalized assessment roll for the property or as otherwise appears in the current records of the city.

4. Where the owner or occupant of any private property cannot be located after the reasonable efforts of the authorized inspector, a notice of noncompliance or cease and desist order shall be deemed delivered after posting on the property for a period of ten business days.

F. Administrative Hearing for Notices of Noncompliance, Administrative Compliance Orders, Invoices for Costs and Adverse Determinations. Except as set forth in subsection H of this section, any person receiving a notice of noncompliance, administrative compliance order, a notice of legal nonconforming connection, an invoice for costs, or any person who is subject to any adverse determination made pursuant to this chapter, may appeal the matter by requesting an administrative hearing.

G. Request for Administrative Hearing. Any person appealing a notice of noncompliance, an administrative compliance order, a notice of legal nonconforming connection, an invoice for costs or an adverse determination shall, within thirty (30) days of receipt thereof, file a written request for an administrative hearing, accompanied by an administrative hearing fee as established by separate resolution, with the office of the City Clerk, with a copy of the request for administrative hearing mailed on the date of filing to the City Manager, and the City Attorney. Thereafter, a hearing on the matter shall be held before the Hearing Officer



within forty-five (45) business days of the date of filing of the written request unless, in the reasonable discretion of the Hearing Officer and pursuant to a written request by the appealing party, a continuance of the hearing is granted.

H. Administrative Hearing for Cease and Desist Orders and Emergency Abatement Actions. An administrative hearing on the issuance of a cease and desist order or following an emergency abatement action shall be held within five business days following the issuance of the order or the action of abatement, unless the hearing (or the time requirement for the hearing) is waived in writing by the party subject to the cease and desist order or the emergency abatement. A request for an administrative hearing shall not be required from the person subject to the cease and desist order or the emergency abatement action.

I. Hearing Proceedings. The authorized inspector shall appear in support of the notice, order, determination, invoice for costs or emergency abatement action, and the appealing party shall appear in support of withdrawal of the notice, order, determination, invoice for costs, or in opposition to the emergency abatement action. The city shall have the burden of supporting any enforcement or other action by a preponderance of the evidence. Each party shall have the right to present testimony and other documentary evidence as necessary for explanation of the case.

J. Final Decision and Appeal. The final decision of the Hearing Officer shall issue within ten business days of the conclusion of the hearing and shall be delivered by first-class mail, postage prepaid, to the appealing party. The final decision shall include notice that any legal challenge to the final decision shall be made pursuant to the provisions of Code of

Civil Procedure Sections 1094.5 and 1094.6 and shall be commenced within ninety (90) days following the final decision. (The administrative hearing fee paid by a prevailing party in an appeal shall be refunded.)

Notwithstanding this subsection, the final decision of the Hearing Officer in any preceding determining the validity of a cease and desist order or following an emergency abatement action shall be mailed within five business days following the conclusion of the hearing.

K. City Abatement. In the event the owner of private property, the operator of a facility, a permittee, a responsible party, or any other person fails to comply with any provision of a compliance schedule issued pursuant to this chapter, the authorized inspector may request the enforcing attorney to obtain an abatement warrant or other appropriate judicial authorization to enter the property, abate the condition and restore the area. Any costs incurred by the city in obtaining and carrying out an abatement warrant or other judicial authorization may be recovered through collection proceedings. (Ord. 825 § 2 (part), 2003)

### **13.16.070 Violation—Nuisance.**

Any condition in violation of the prohibitions of this chapter, including but not limited to the maintenance or use of any illicit connection or the occurrence of any prohibited discharge, shall constitute a threat to the public health, safety and welfare, and is declared and deemed a nuisance pursuant to Government Code Section 38771.

A. Court Order to Enjoin or Abatement. At the request of the City Manager or his or her designee, the enforcing attorney may seek a court order to enjoin and/or abate the nuisance.

B. Notice to Owner and Occupant. Prior to seeking any court order to enjoin or abate a nuisance or threatened nuisance, the City Manager or his or her designee shall provide notice of the proposed injunction or abatement to the owner and occupant, if any, of the property where the nuisance or threatened nuisance is occurring.

C. Emergency Abatement. In the event the nuisance constitutes an imminent danger to public safety or the environment, the City Manager or his or her designee may enter the property from which the nuisance emanates, abate the nuisance and restore any property affected by the nuisance, without prior notice to or consent from the owner or occupant thereof and without judicial warrant.

1. An imminent danger shall include, but is not limited to, exigent circumstances created by the dispersal of pollutants, where the same presents a significant and immediate threat to the public safety or the environment.

2. Notwithstanding the authority of the city to conduct an emergency abatement action, an administrative hearing pursuant to Section 13.16.060(H) shall follow the abatement action.

D. Reimbursement of Costs. All costs incurred by the city in responding to any nuisance, all administrative expenses and all legal expenses, including costs and attorney fees, shall be recoverable from the person(s) creating, causing, committing or maintaining the nuisance.

E. Nuisance Lien. All costs shall become a lien against the property from which the nuisance emanated and a personal obligation against the owner thereof in accordance with Government Code Section 38773.1 and Section 38773.5. The owner of record of the property subject to any lien shall receive notice of the lien prior to recording as required by Government Code Section 38773.1.

At the direction of the City Manager or his or her designee, the enforcing attorney is authorized to collect nuisance abatement costs or enforce a nuisance lien in an action brought for a money judgement or by delivery to the County Assessor of a special assessment against the property in accord with the conditions and requirements of Government Code Section 38773.5. (Ord. 825 § 2 (part), 2003)

### **13.16.080 Criminal sanctions.**

A. Prosecutor. The enforcing attorney may act on the request of the City Manager or his or her designee to pursue enforcement actions in accordance with the provisions of this chapter.

B. Infractions. Any person who may otherwise be charged with a misdemeanor under this chapter may be charged, at the discretion of the prosecuting attorney, with an infraction punishable by a fine of not more than one hundred dollars (\$100.00) for a first violation, two hundred dollars (\$200.00) for a second violation, and a fine not exceeding five hundred dollars (\$500.00) for each additional violation occurring within one year.

C. Misdemeanors. Any person who negligently or knowingly violates any provision of this chapter, undertakes to conceal any violation of this chapter, continues any violation of this chapter after notice thereof, or violates the terms, conditions and requirements of any water quality management plan or permit, shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for a period of not more than six months, or both. (Ord. 825 § 2 (part), 2003)

**13.16.090 Consecutive violations.**

Each day in which a violation occurs and each separate failure to comply with either a separate provision of this chapter, an administrative compliance order, a cease and desist order, an applicable water quality management plan, or a permit issued pursuant to this chapter, shall constitute a separate violation of this chapter punishable by fines or sentences issued in accordance herewith. (Ord. 825 § 2 (part), 2003)

**13.16.100 Nonexclusive remedies.**

Each and every remedy available for the enforcement of this chapter shall be nonexclusive and it is within the discretion of the authorized inspector or enforcing attorney to seek cumulative remedies, except that multiple monetary fines or penalties shall not be available for any single violation of this chapter. (Ord. 825 § 2 (part), 2003)

**13.16.110 Citations.**

Pursuant to Penal Code Section 836.5, the authorized inspector shall have the authority to cause the arrest of any person committing a misdemeanor or infraction pursuant to the provisions of this chapter. The person shall be released and issued a citation to appear before a magistrate in accordance with Penal Code Sections 853.5, 853.6 and 853.9, unless the person demands to be taken before a magistrate. Following issuance of any citation the authorized inspector shall refer the matter to the enforcing attorney.

Each citation to appear shall state the name and address of the violator, the provisions of this chapter violated, and the time and place of appearance before the court, which shall be at least ten business days after the date of viola-

tion. The person cited shall sign the citation giving his or her written promise to appear as stated therein. If the person cited fails to appear, the enforcing attorney may request issuance of a warrant for the arrest of the person cited. (Ord. 825 § 2 (part), 2003)

**13.16.120 Violations of other laws.**

Any person acting in violation of this chapter also may be acting in violation of the Federal Clean Water Act or the State Porter-Cologne Act and other laws and also may be subject to sanctions including civil liability. Accordingly, the enforcing attorney is authorized to file a citizen suit pursuant to Federal Clean Water Act Section 505(a), seeking penalties, damages and orders compelling compliance, and other appropriate relief. The enforcing attorney may notify EPA Region IX, the California Regional Water Quality Control Board, Los Angeles Region or any other appropriate state or local agency, of any alleged violation of this chapter. (Ord. 825 § 2 (part), 2003)

**13.16.130 Injunctions.**

At the request of the City Manager or his or her designee, the enforcing attorney may cause the filing in a court of competent jurisdiction, of a civil action seeking an injunction against any threatened or continuing noncompliance with the provisions of this chapter.

A. Order for Reimbursement. Any temporary, preliminary or permanent injunction issued pursuant hereto may include an order for reimbursement to the city of all costs incurred in enforcing this chapter, including costs of inspection, investigation and monitoring, the costs of abatement undertaken at the expense of the city, legal expense, including costs and at-

torney fees, and costs relating to restoration of the environment. (Ord. 825 § 2 (part), 2003)

**13.16.140 Other civil remedies.**

A. The City Manager or his or her designee, may cause the enforcing attorney to file an action for civil damages in a court of competent jurisdiction seeking recovery of: (i) all costs incurred in enforcement of the chapter, including but not limited to costs relating to investigation, sampling, monitoring, inspection, administrative expenses, legal expenses, including costs and attorney fees, and consequential damages; (ii) all costs incurred in mitigating harm to the environment or reducing the threat to human health; and (iii) damages for irreparable harm to the environment.

B. The enforcing attorney is authorized to file actions for civil damages resulting from any trespass or nuisance occurring on public land or to the storm water drainage system from any violation of this chapter where the same has caused damage, contamination or harm to the environment, public property or the storm water drainage system.

C. The remedies available to the city pursuant to the provisions of this chapter shall not limit the right of the city to seek any other remedy that may be available by law. (Ord. 825 § 2 (part), 2003)

**13.16.150 Interagency cooperation.**

A. The Federal Clean Water Act authorizes the NPDES permit for the Los Angeles area and provides for cooperative implementation of requirements and interagency allocations of program resources and burdens. The coordinated effort of the county and the co-permittees is reflected in the National Pollutant Discharge Elimination System Permit Implementation

Agreement, the NPDES permits, this chapter, monitoring and data collection cooperation and regular emergency and spill response planning activities.

B. The city may elect to contract for the services of any public agency or private enterprise to carry out the planning approvals, inspections, permits and enforcement authorized by this chapter. (Ord. 825 § 2 (part), 2003)

**13.16.160 Compliance disclaimer.**

Full compliance by any person or entity with the provisions of this chapter shall not preclude the need to comply with other local, state or federal statutory or regulatory requirements, which may be required for the control of the discharge of pollutants into storm water and/or the protection of storm water quality. (Ord. 825 § 2 (part), 2003)

**13.16.170 Judicial review.**

The provisions of Sections 1094.5 and 1094.6 of the Code of Civil Procedure set forth the procedure for judicial review of any act taken pursuant to this chapter. Parties seeking judicial review of any action taken pursuant to this chapter shall file such action within ninety (90) days of the occurrence of the event for which review is sought. (Ord. 825 § 2 (part), 2003)